IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No. 9313 of 2005

Between:

D.Nagendra S/o.Laste Marepppa
Secretary, S.C.Social Welfare Unemployees Union,

Chingali Village and Panchayat, Aspari Mandal, Kurnool Distirct

..... PETITIONER

AND

1. The District Collector Kurnool, Kurnool District.
2. The Mandal Revenue Officer Aspari Mandal, Aspari Kurnool District.
3. The Gram Panchayat, Secretary, Chigali Village and Panchayat
Aspari Mandal, Kurnool District.
4. The Gram Sarpanch, Chigali Village and Panchayat
Aspari Mandal, Kurnool District.
5. Byne Pullikonda rangaswamyS/o.Late Byne Pedda Anjanaiah Chigali Village and Panchayat
Aspari Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Mandamus directing the respondents to take action to remove encroachments made by the 5th respondent in one cent Gramakantam Land earmarked for public tap and public use in Sy.No.195 of Chigali Village and Panchayat, Aspari Mandal, Kurnool District and consequently direct the respondents to make available the said land for public use

free from all encroachments and pass such other order or orders.

Counsel for the Petitioner: Mr. M.GANGA RAO

Counsel for the Respondent Nos.1 & 2: GP FOR REVENUE

Counsel for Respondents 3 & 4: Smt.Jyothi Eswar Gogineni

Counsel for Respondent No.5:--------

The Court at the admission stage made the following :

ORAL ORDER:

(per Honourable Sri Justice B.Sudershan Reddy)

We have heard the learned counsel for the petitioner and the learned Government Pleader for Revenue on behalf of Respondents 1 to 4 and no notice as such is required to be issued as against Respondent No.5, since we do not propose to pass any order on merits against the 5th respondent.

The gravamen of the complaint, in the instant writ petition, relates to the inaction on the part of the Mandal Revenue Officer, Aspari Mandal, Kurnool District in considering the representation made by the petitioner and other residents of S.C. Colony, Chigali village against the 5th respondent herein, inter alia, alleging that, he had encroached ½ cent of land of Gramakantam earmarked for the public tap in Survey No. 195 of Chigali village. It is alleged that the 5th respondent has encroached ½ cent of public tap land by opening door towards southern side and constructed sitting platforms on the encroached land. It is also alleged that he is obstructing those who come for taking water from the tap and abusing the women folk and children.

We are not inclined to make any detailed enquiry into the allegations levelled against the 5th respondent and express our opinion on truth or otherwise of the allegations. But, there is no justification on the part of the Mandal Revenue Officer not to make any enquiry and ignore the representation made by the petitioner and other residents of the colony.

For the aforesaid reasons, we consider it appropriate to direct the second respondent, Mandal Revenue Officer, to make an enquiry into the allegations and initiate appropriate action in accordance with law, but, after due notice to the 5th respondent. We make it clear that we have not expressed any opinion on truth or otherwise of the allegations made in the representation, which is required to be enquired into after due notice and opportunity to the 5th respondent. The representation so made shall be decided by the Mandal Revenue Officer within six weeks from the date of the receipt of this order.

The Writ Petition, accordingly, stands disposed of. No costs.

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B.SUDERSHAN REDDY, J.

26.4.2005.

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C.V.RAMULU, J.

VR.

To

1. The District Collector, Kurnool, Kurnool District.
2. The Mandal Revenue Officer, Aspari Mandal, Aspari Kurnool District.
3. The Secretary, Gram Panchayat, Chigali Village and Panchayat

Aspari Mandal, Kurnool District.
4. The Gram Sarpanch, Chigali Village and Panchayat
Aspari Mandal, Kurnool District.

5. Two CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT).

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